

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOSE PINEDA,

Plaintiff,

-against-

DUTCHESS COUNTY; SHERIFF KIRK  
IMPERATI; OFFICER ARROYO; SERGEANT  
LAMONICA; JOHN DOE, also known as Frank,

Defendants.

25-CV-4554 (JGLC)

ORDER OF SERVICE

JESSICA G. L. CLARKE, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action under 42 U.S.C. § 1983, alleging violations of his constitutional rights. By order dated June 3, 2025, the Court granted Plaintiff's request to proceed *in forma pauperis* (IFP), that is, without prepayment of fees.

**DISCUSSION**

**A. Service on Named Defendants**

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.<sup>1</sup> *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

To allow Plaintiff to effect service on Defendants Dutchess County, Sheriff Kirk Imperati, Officer Arroyo, and Sergeant LaMonica through the U.S. Marshals Service, the Clerk

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<sup>1</sup>Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the complaint and ordered that any summonses be issued. The Court therefore extends the time to serve until 90 days after the date any summonses issue.

of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (USM-285 form) for each Defendant. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all of the paperwork necessary for the Marshals Service to effect service upon Defendants.

If the complaint is not served within 90 days after the date summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

**B. Identifying John Doe**

Under *Valentin v. Dinkins*, a *pro se* litigant is entitled to assistance from the district court in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). In the complaint, Plaintiff supplies information that appears sufficient to permit Dutchess County to identify John Doe (also known as "Frank") from the Food Services Division of the Dutchess County Jail, working during the period in or about May 8 to May 13, 2025.

It is therefore ordered that the Dutchess County Attorney ascertain the identity of John Doe whom Plaintiff seeks to sue here and the address where the defendant may be served. The Dutchess County Attorney must provide this information to Plaintiff and the Court within 60 days of the date of this order.

Within 30 days of receiving this information, Plaintiff must file an amended complaint naming the John Doe defendant. The amended complaint will replace, not supplement, the original complaint. Once Plaintiff has filed an amended complaint, the Court will screen the amended complaint and, if necessary, issue an order directing the Clerk of Court to complete the

USM-285 form with the addresses for the named John Doe Defendant and deliver to the U.S. Marshals Service all documents necessary to effect service.

### **CONCLUSION**

The Clerk of Court is directed to mail an information package and an amended complaint form to Plaintiff.

The Clerk of Court is further instructed (1) to issue summonses for Defendants Dutchess County, Sheriff Kirk Imperati, Officer Arroyo, and Sergeant LaMonica, (2) to complete the USM-285 forms with the addresses for Defendants, and (3) to deliver to the U.S. Marshals Service all documents necessary to effect service.

The Clerk of Court is directed to mail a copy of this order and the complaint to the Dutchess County Attorney at: Office of the Dutchess County Attorney, 22 Market Street, Poughkeepsie, NY 12601.

SO ORDERED.

Dated: June 4, 2025  
New York, New York



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JESSICA G. L. CLARKE  
United States District Judge

**SERVICE ADDRESS FOR EACH DEFENDANT**

1. Dutchess County  
Office of the Dutchess County Attorney  
22 Market Street  
Poughkeepsie, NY 12601
2. Dutchess County Sheriff Kirk Imperati  
Dutchess County Justice and Transition Center  
150 North Hamilton Street  
Poughkeepsie, NY 12601
3. Officer Arroyo  
Dutchess County Justice and Transition Center  
150 North Hamilton Street  
Poughkeepsie, NY 12601
4. Sergeant LaMonica  
Dutchess County Justice and Transition Center  
150 North Hamilton Street  
Poughkeepsie, NY 12601